

## **CHAPTER 2.10 - LIMITATIONS ON CAMPAIGN CONTRIBUTIONS IN CITY ELECTIONS**

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### **2.10.010 - Purpose and intent.**

The problem of ever increasing campaign expenditures has become a serious, if not disastrous, reality of American politics, and campaigns in the city are not excepted. Incidental to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials.

It is the purpose and intent of the city council in enacting this chapter to place realistic and enforceable limits on the amounts individuals may contribute to political campaigns in municipal elections; to insure and promote integrity, honesty, and fairness in the decisions of public policy; to insure that funds and services donated to a candidate or campaign committee are used solely for lawful campaign purposes; to insure a level of discussion of public issues adequate for a viable political campaign and to provide opportunity for all citizens to become candidates for public office unhindered by a need to meet exorbitant costs; and to provide full and fair enforcement of all the provisions of this chapter.

In seeking to establish such realistic limitations, it is the intent of the city council to promote a broader and more open participation by all citizens in the electoral process and it is in no way intended that such limitations should act to deprive or restrict any citizen in the exercise of rights guaranteed under the First and Fourteenth Amendments of the United States Constitution.

(Ord. 401 § 1(part), 1987).

### **2.10.020 - Definitions.**

Whenever in this chapter the following words or phrases are used, they shall mean:

- (1) "Candidate" means any individual listed on the ballot for nomination for or election to any city office or who has otherwise taken affirmative action to seek nomination or election to public office.
- (2) "Committee" means any person or combination of two or more persons acting jointly in behalf of or in opposition to a candidate for municipal office or to the qualification for the ballot or adoption of one or more measures.
- (3) "Election" means any primary, general or special municipal election held in the city including an initiative, referendum or recall election.
- (4) "Measure" means any proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.
- (5) "Person" means any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons however organized.

(Ord. 412 § 1, 1987; Ord. 401 § 1(part), 1987).

### **2.10.030 - Supplementation of state law.**

This chapter is intended to supplement the Political Reform Act of 1974. Unless otherwise provided in this chapter, words and phrases used in this chapter, including reporting periods and thresholds, shall have the same meaning as defined in the Political Reform Act of 1974, Title 9 of the Government Code of the state of California, as said Act now exists or may hereafter be amended.

(Ord. 401 § 1(part), 1987).

#### **2.10.040 - Campaign contribution limitations.**

(a)

No person other than a candidate shall make, and no person or candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to a single candidate or measure, including contributions to all committees supporting or opposing such candidate or measure, to exceed five hundred dollars. For purposes of this chapter, contributions from husband and wife, and/or minor children in a household, are considered to be one in the same and may not exceed five hundred dollars total.

(b)

Loans for use in connection with an election for a period of more than thirty days are prohibited. Loans of more than five hundred dollars for use in connection with an election are prohibited. Loans to a candidate or his or her controlled committees shall be counted against the contribution limitations applicable to that candidate. Provided, however, a candidate is not prohibited from obtaining a personal loan of any amount from a duly licensed financial lending institution in the regular course of business.

(c)

Any contributions solicited or accepted pursuant to this section shall be expended only in connection with the candidacy for the office specified in the candidate's declaration of intent to solicit and receive contributions, or the measure for which it is solicited.

(Ord. 599 § 1, 2006; Ord. 412 § 2, 1987; Ord. 401 § 1(part), 1987).

#### **2.10.045 - Campaign contribution limitations—Nonelection years.**

Notwithstanding the provisions set forth in Section 2.10.040, no person other than a councilmember shall make, and no person or councilmember shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to any calendar year at which said councilmember has not declared his or her candidacy, including contributions to all committees associated with said councilmember in any way, to exceed five hundred dollars. For purposes of this chapter, contributions from husband and wife, and/or minor children in a household, are considered to be one in the same and may not exceed five hundred dollars total.

(Ord. 599 § 2, 2006).

#### **2.10.050 - Filing of copies with city clerk.**

All persons required to make filings of any documents with the state of California pursuant to the Political Reform Act of 1974, as amended, and relating to elections held or to be held in the city, shall simultaneously file true copies of all such documents with the city clerk.

(Ord. 425 § 2, 1989).

#### **2.10.120 - Duties of city clerk.**

The city clerk shall administer the provisions of this chapter. In addition to other duties required by the city clerk under the terms of this chapter, the city clerk shall:

(a)

Supply appropriate forms and manuals prescribed by the California Fair Political Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to file reports.

(b)

Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law.

(c)

Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law.

(d)

- Report apparent violations of this chapter and applicable state law to the appropriate authorities.
- (e) Compile and maintain a current list of all statements or parts of statements filed with the city clerk's office pertaining to each candidate and measure.
- (f) Furnish a copy of this chapter to each candidate for elective city office.
- (Ord. 412 § 6, 1987; Ord. 401 § 1(part), 1987).

#### **2.10.130 - Rules of construction.**

This chapter shall be liberally construed in order to effectuate its purposes and no error, irregularity, informality and no neglect or omission of any officer in any procedure taken under this chapter which does not directly affect the jurisdiction of the council or the city to control campaign contributions and expenditures shall avoid the effect of this chapter.

(Ord. 401 §1(part), 1987).

#### **2.10.140 - Penalty.**

Any person who knowingly or wilfully violates any provision of this chapter is guilty of a misdemeanor.

(Ord. 401 §1(part), 1987).

#### **2.10.150 - Effect of violation on outcome of election.**

If a candidate is convicted of a violation of any provision of this chapter, and if the court determines that the violation was substantial and that it might have had a bearing on the outcome of the election, then:

- (1) If such conviction becomes final before the date of the election, the votes for such candidate shall not be counted, and the election shall be determined on the basis of the votes cast for the other candidates in that race.
- (2) If such conviction becomes final after the date of the election, and if such candidate was declared to have been elected, then such candidate shall not assume office, the office shall be deemed vacant and shall be filled as otherwise provided by state law.

The city clerk shall not issue any certificate of nomination or election to any candidate until his or her pre-election campaign statements required by the Political Reform Act of 1974, as amended, or, if no campaign statement is required, the written declaration permitted under Section 84205 of the Government Code, have been filed in the form and at the place required by the Political Reform Act of 1974.

(Ord. 401 §1(part), 1987).

#### **2.10.170 - Injunction.**

Any person residing in the city may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this chapter. The court may award a plaintiff or defendant who prevails his or her costs of litigation, including reasonable attorney's fees; provided, however, that no such award may be granted against the city.

(Ord. 401 §1(part), 1987).

#### **2.10.180 - Severability.**

If any provision or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court, such decision shall not affect the remaining portions of this chapter.

(Ord. 401 §1(part), 1987).